


EXHIBIT B



Michael Kaler
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04/22/2008 12:45 PM

To joseph.lee@weil.com, jared.bobrow@weil.com
cc Melody A Kramer <mak@kramerlawip.com>
bcc

Subject Mr. Lee's voice mail with regard to SRDT v. Lexar

History:  This message has been replied to and forwarded.

Dear Messrs. Lee & Bobrow:

This afternoon, April 22, 2008, I returned from lunch to find that Mr. Lee had left a voice mail indicating that Lexar was willing to allow Plaintiff Sorensen Research & Development Trust ("SRDT") to have its motion to apply the burden shifting provision of 35 U.S.C. section 295 ("Motion") on July 7.

I note that the Motion in question was filed on April 11, eleven days ago, with a noticed hearing date of June 9. I further note that despite my voice mail, it was approximately five days later before Defense counsel complained of the date, in a phone call from Mr. Lee. At that time Defense counsel rejected all the Court's available hearing dates prior to September. I indicated that I would not move it later than the last available pre-September date of July 7. I again received no response for several days, during which time the offer to adjust the date expired.

Having been lead by Defendants failure to act to rely on the June 9 date, I was shocked when after another week had passed, that Defendant now left a message indicated that it wanted to move to the July 7 hearing date, obtaining more than a month's delay at the same time.

That is not going to happen. Defendant has taken no reasonable course of action to agree to dates for the hearing, rather it has just sought to delay everything as long as possible. Plaintiff will continue to prosecute this case according to the schedule in the Northern District Local Patent Rules.

If Defendant is interested in discussing ADVANCING the hearing date to an earlier date I would be happy to discuss that. In particular, we would stipulate to having it heard the same date as Defendant's pending motion for stay on May 5, 2008.

Sincerely,

Michael Kaler

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